



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/202,336	12/14/1998	ERLAND WITTKOTTER	HPB-7	2766
826	7590	02/04/2005	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			BACKER, FIRMIN	
		ART UNIT	PAPER NUMBER	
		3621		

DATE MAILED: 02/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/202,336	WITTKOTTER, ERLAND
	Examiner Firmin Backer	Art Unit 3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 03 January 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1 and 3-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1 and 3-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 3<sup>rd</sup>, 2005 has been entered.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Ginter (U.S. PG Pub No. 2004/0133793).

4. As per claims 1 and 9, Ginter et al teach an apparatus for protecting electronically published documents with a local computer system which can be connected locally by way of the internet to an external data source and which is adapted to call up, execute, or output the electronically published documents, wherein the local computer system comprises local data storage means which is adapted for the storage of data of the electronically published document

in a form which is not usable for a user, wherein the local computer system further comprises means capable of receiving and processing additional protection data provided by the external data source by way of the internet following establishment of authenticated contact or at least temporary authenticated contact between the local computer system and the external data source session, as well as a linking means which is adapted to link a storage content of the local data storage means with the additional protection data and to produce the electronically published document therefrom in a form usable, meaningful or suitable for sensory perception by the user, and wherein the local computer system comprises output means selected in accordance with the type of the document to be electronically published, adapted to call up, execute or output the document in the form usable, meaningful or suitable for sensory perception by the user, wherein the data storage means is adapted to store the electronically published document in a non-reconstructed, in particular a non-linear form, wherein the non-reconstructed document can be converted into a reconstructed linear document, which is usable by the user, by the action of the linking means, utilizing the additional protection data, characterized in that the local computer system is desired to ensure such that a local storage of the produced document in the form usable, meaningful or suitable for sensory perception is not possible, and readability or usability of the produced document is dependent, on authenticated contact or at least one temporary authenticated contact between the local computer system and the external data source via the internet prior to receipt of the additional protection data by the local computer system (*see paragraphs 0025, 0119, 0173, 0226, 1118, 1197, 1863, 1996, 2229*).

5. As per claim 3, Ginter et al teach an apparatus characterized in that the linking means is adapted such that structural elements of an electronically published document are modified by operational instructions derived from the additional protection data in order to effect the conversion to the reconstructed document (*see paragraphs 0025, 0119, 0173, 0226, 1118, 1197, 1863, 1996, 2229*)..

6. As per claim 4, Ginter et al teach an apparatus characterized in that the local data storage means is a magnetic or optical mass store in which the non-reconstructed data of the electronically published document are stored in a plurality of storage locations which are not interrelated, and wherein the additional protection data denote an interconnection or a sequence of the storage locations (*see paragraphs 0025, 0119, 0173, 0226, 1118, 1197, 1863, 1996, 2229*)..

7. As per claim 5, Ginter et al teach an apparatus characterized in that the local data storage means is a magnetic or optical mass store, wherein the non-reconstructed data of the electronically published document which is stored therein have data gaps and the data gaps are directly closed by the additional protection data, or wherein the additional protection data include storage location identifications which refer to separate storage locations of the local data storage means, in which data, suitable to filling up the data gaps, are stored in a manner corresponding to the data gaps (*see paragraphs 0025, 0119, 0173, 0226, 1118, 1197, 1863, 1996, 2229*)..

8. As per claim 6, Ginter et al teach an apparatus characterized by an encoding means which is embodied by means of a first module of the external data source and a second module of the local computer system and which is adapted for the protected transmission of the additional protection data from the external data source to the local computer system (*see paragraphs 0025, 0119, 0173, 0226, 1118, 1197, 1863, 1996, 2229*)..

9. As per claim 7, Ginter et al teach an apparatus characterized by an identification or billing module which is adapted to identify a user of the local computer system and to acquire corresponding use or billing data (*see paragraphs 0025, 0119, 0173, 0226, 1118, 1197, 1863, 1996, 2229*)..

10. As per claim 8, Ginter et al teach an apparatus characterized by a control module where is provided in the local computer system and which is provided for dialogue and operational control of the data exchange with the external data source or an operating unit which is provided to detect user commands and to influence operation of the local computer system as a reaction to the user commands (*see paragraphs 0025, 0119, 0173, 0226, 1118, 1197, 1863, 1996, 2229*)..

11. As per claim 10, Ginter et al teach a method of deriving operational instructions from the additional protection data, modifying structural elements of an electronically published document with the operational instructions, thereby providing a re-constructed document in the form usable, meaningful or suitable for sensory perception by the buyer (*see paragraphs 0025, 0119, 0173, 0226, 1118, 1197, 1863, 1996, 2229*)..

12. As per claim 11, Ginter et al teach a method characterized in that storage of local document data is effected in a sequence which, without linking to the additional protection data, does not permit representation of the document data in the form usable, meaningful or suitable for sensory perception (*see paragraphs 0025, 0119, 0173, 0226, 1118, 1197, 1863, 1996, 2229*)..

13. As per claim 12, Ginter et al teach a method characterized in that storage of the local document data with gaps occurs in such a way that the gaps are filled up by linking to the additional data (*see paragraphs 0025, 0119, 0173, 0226, 1118, 1197, 1863, 1996, 2229*)..

14. As per claim 13, Ginter et al teach a method characterized by identifying the user in the external data source, and exchanging user or billing data in respect of the user as a reaction to identification prior to reception of the additional protection data (*see paragraphs 0025, 0119, 0173, 0226, 1118, 1197, 1863, 1996, 2229*)..

15. As per claim 14, Ginter et al teach a method characterized in that the step of receiving the additional protection data includes encoding of the additional protection data by the external data source, transmitting the encoded additional protection data by way of the internet, and decoding the encoded additional protection data by the local computer system (*see paragraphs 0025, 0119, 0173, 0226, 1118, 1197, 1863, 1996, 2229*)..

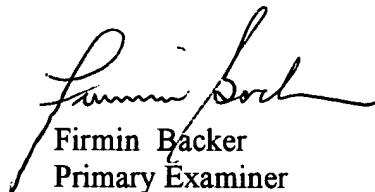
16. As per claim 15, Ginter et al teach a method characterized by establishing a code agreement between the external data source and the local computer system prior to the encoding (*see paragraphs 0025, 0119, 0173, 0226, 1118, 1197, 1863, 1996, 2229*).
17. As per claim 16, Ginter et al teach a method characterized by successively calling up and representing a plurality of document units, wherein a set of the additional protection data is received for each of the document units (*see paragraphs 0025, 0119, 0173, 0226, 1118, 1197, 1863, 1996, 2229*)..
18. As per claim 17, Ginter et al teach a method characterized in that the reception of the additional protection data is dependent on a single or temporary access authorization established by agreement between the local computer system and the external data (*see paragraphs 0025, 0119, 0173, 0226, 1118, 1197, 1863, 1996, 2229*)..
19. As per claim 18, Ginter et al teach a method characterized in that the data which are usable by the user include a text, produced in a language, and having a plurality of words, the words are provided in an arrangement which forms a meaning for the user, and at least one of the words is arranged by the effect of the additional data at a position in the text which permits clear identification and association of the text with the user (*see paragraphs 0025, 0119, 0173, 0226, 1118, 1197, 1863, 1996, 2229*)..

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firmin Backer whose telephone number is (703) 305-0624. The examiner can normally be reached on Mon-Thu 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Firmin Backer  
Primary Examiner  
Art Unit 3621

February 3<sup>rd</sup>, 2005